

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 KEENAN G. WILKINS,) No. C 11-2704 LHK (PR)
11)
12 Plaintiff,) ORDER DENYING POST-
13 v.) JUDGMENT MOTIONS
14 COUNTY OF ALAMEDA, et al.,) (Docket Nos. 33, 34)
15 Defendants.)
_____)

16
17 Plaintiff, a state prisoner proceeding *pro se*, filed a second amended civil rights
18 complaint pursuant to 42 U.S.C. § 1983. On May 1, 2012, the court dismissed this action
19 without prejudice for failing to comply with Federal Rules of Civil Procedure 18 and 20. On
20 September 1, 2012, the Ninth Circuit Court of Appeals dismissed plaintiff's appeal for failure to
21 prosecute. On November 8, 2012, this court denied plaintiff's motions for reconsideration.

22 On July 26, 2013, and August 26, 2013, plaintiff filed a motion for relief from judgment
23 under Rule 60(b)(1), and a motion for administrative justice. Federal Rule of Civil Procedure
24 60(b)(1) permits a court to reopen judgments for reasons of "mistake, inadvertence, surprise, or
25 excusable neglect, but only on motion made within one year of the judgment." *Pioneer Inv.*
26 *Services Co. v. Brunswick Associates Ltd. Partnership*, 507 U.S. 380, 393 (1993) (internal
27 quotation marks omitted). If a 60(b)(1) motion is untimely, the district court lacks jurisdiction to
28 consider the merits of the motion. *Nevitt v. United States*, 886 F.2d 1187, 1188 (9th Cir. 1989).


1 Here, the judgment was entered on May 1, 2012. Thus, plaintiff's motion for relief under Rule
2 60(b)(1) is DENIED as untimely.

3 Plaintiff's motion for administrative justice requests the court to identify for plaintiff the
4 claims and defendants mentioned in plaintiff's second amended complaint that can be properly
5 joined under Rules 18 and 20. The court cannot give legal advice. Plaintiff's motion for
6 administrative justice is DENIED.

7 No further filings will be accepted in this closed case.

8 **IT IS SO ORDERED.**

9 DATED: 10/3/13

10 
LUCY H. KOH
United States District Judge